

**NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION
WRITTEN STATEMENT FOR THE RECORD**

“DISCRIMINATION AND VIOLENCE AGAINST ASIAN AMERICANS”

**U.S. House of Representatives
Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights, and Civil Liberties**

March 18, 2021

Chair Cohen, Vice Chair Ross, Ranking Member Johnson and Members of the Subcommittee:

The National Asian Pacific American Bar Association (NAPABA) submits this written testimony for the record for the March 18, 2021 hearing before the House Constitution, Civil Rights, and Civil Liberties Subcommittee entitled “Discrimination and Violence Against Asian Americans.”

The National Asian Pacific American Bar Association (NAPABA) represents the interests of over 50,000 legal professionals and nearly 90 national, state, and local Asian Pacific American bar associations. NAPABA is a leader in addressing civil rights issues confronting Asian Pacific American communities. Through its national network, NAPABA provides a strong voice for increased diversity of the federal and state judiciaries, advocates for equal opportunity in the workplace, works to eliminate hate crimes and anti-immigrant sentiment, and promotes the professional development of people of color in the legal profession.

Since the start of the pandemic, NAPABA and its affiliates have worked to elevate the importance and need to address hate violence and incidents against Asian Americans. Collectively, NAPABA and its affiliates have issued dozens of statements, issued a report examining the rise in hate crimes during COVID-19, and provided direct pro bono legal assistance to both victims of hate crimes and to community-based organizations working with victims. NAPABA’s comprehensive hate crimes resource center is the most prominent aggregate website on the internet, and it has provided critical information to the community.

We thank the subcommittee for conducting this hearing and for the opportunity to submit testimony on the alarming rise in hate incidents and crimes against Asian Americans, and to offer recommendations.

Hate Crimes and the Asian American Community

There have been nearly 3,800 recorded hate incidents against the Asian American community over the past year.¹ In March 2020, President Trump escalated and amplified fear against Asians through his

¹ Russell Jeung Ph.D., Aggie Yellow Horse, Ph.D., Tara Popovic, and Richard Lim, National Report, Stop AAPI Hate (Mar. 16, 2021). Available at: <https://secureservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2021/03/210312-Stop-AAPI-Hate-National-Report-.pdf>.

pointed and pejorative use of “Chinese virus” and “Wuhan virus” to describe the coronavirus, which had the effect of suggesting that Asian Americans were somehow at fault or even themselves spreaders of the disease. This derogatory and provocative rhetoric was warned to be harmful by the World Health Organization and Centers for Disease Control, and NAPABA spoke out against this, warning that division will only serve to hurt communities like ours.²

Hate crimes against the Asian American community is not a new phenomenon and until recently, Asian Americans have largely been invisible in the dialogue. NAPABA members have directly been affected by hate crimes, and the pernicious nature of hate crimes has shaped our organization.

Vincent Chin was bludgeoned to death in 1982 by two White Detroit auto workers who blamed Chin, a Chinese American, for their unemployment because of the success of Japanese automakers. When the judge ordered the offenders to pay \$3,000 and serve three years’ probation, with no jail time, it shocked the conscience of the Asian American community. The Justice for Vincent Chin campaign, led by Helen Zia, the sister of NAPABA’s first president Hoyt Zia, activated the Asian American legal community nationwide. Later in 1988, NAPABA was founded, in part, from the leaders of the campaign.

Our NAPABA family suffered another tragedy in 1999 when Joseph Ileto, a Filipino-American U.S. postal worker was killed by a White supremacist during a shooting rampage at a Jewish Community Center. Ileto, who was the primary caretaker of his family, including his mother and siblings, was the uncle of Cyndie Chang, NAPABA’s 28th president.

Today, hate incidents against Asian Americans during COVID-19 have risen to unprecedented levels. There were many prominent attacks in February, including:

- An 84-year-old Thai American man in San Francisco was shoved to the ground during his morning walk and died two days later;³
- A 91-year-old Chinese American man in Oakland was attacked and pushed to the ground when several shops vandalized in Chinatown;⁴
- A 64-year-old Vietnamese American woman in San Jose was robbed following a Lunar New Year’s celebration;⁵

² NAPABA Denounces Use of Racist Language to Describe Coronavirus, NAPABA (Mar. 18, 2020). Available at: https://www.napaba.org/page/20_03_coronavirus_statement_racist_language.

³ Thomas Fuller, *He Came from Thailand to Care for Family. Then Came a Brutal Attack*, NY Times (Feb. 27, 2021). Available at: <https://www.nytimes.com/2021/02/27/us/asian-american-hate-crimes.html>.

⁴ Leslie Brinkley, *Suspect arrested in attack on 91-year-old in Oakland's Chinatown, police say*, ABC 7 News (Feb. 9, 2021). Available at: <https://abc7news.com/chinatown-push-91-year-old-pushed-to-ground-opd-suspect-oakland-attacks/10322263/>.

⁵ Azenith Smith, *Asian community feels targeted by crime ahead of Lunar New Year celebrations*, KTVU Fox 2 (Feb. 4, 2021). Available at: <https://www.ktvu.com/news/asian-community-feels-targeted-by-crime-ahead-of-lunar-new-year-celebrations>.

- A 61-year-old Filipino American in New York had his face slashed with a box cutter on the subway;⁶ and
- A 52-year-old Chinese American woman in Queens, New York was physically attacked and shoved to the ground while waiting in line at a bakery.⁷

This past week, a gunman entered multiple businesses in Atlanta and opened fire on their predominantly Asian American workforces. This horrifying act of violence left eight dead, including six Asian American women.

Unfortunately, these tragedies are part of the larger narrative of countless Asian American families who have lost loved ones to hate violence. For this reason, NAPABA has, and will, continue to work diligently to provide support to assist victims and their families, and action and advocacy to prevent hate crimes and acts of violence against our community.

Recommendations

NAPABA recommends the following steps federal, state, and local law enforcement can take to ensure the health and safety of Asian Americans:

1. **Uniform Crime Reporting (UCR) agencies need to standardize and include more details in their documentation of hate crimes.** This includes the need for disaggregated data on ethnicity. The reintroduction and passage of the Jabara-Heyer NO HATE Act addresses this matter.
2. **Local law enforcement and state agencies should fully comply with the Hate Crimes Statistics Act of 1990 and work with community-based organizations to address the problem of hate violence.** Community-based organizations are effective intermediaries between the community and law enforcement, especially as they have greater trust than enforcement agencies. Additionally, community-based organizations may have better cultural and language focused training that can address the unique needs of each community.
3. **The ability of federal and state law enforcement agencies to address hate crimes must be strengthened to more successfully deter race-motivated incidents through increased investigation and more accurate monitoring.**
4. **The U.S. Department of Justice and the U.S. Attorney's Office should review all cases involving all credible reports of hate crimes against the Asian American community.**
5. **Public officials and community and religious leaders must continue their public condemnation of any bias-motivated incidents.**
6. **Additional funding and resources are needed for federal and state law enforcement agencies to address hate crimes.** This includes anti-bias training within enforcement agencies.

⁶ Ritche Mendiola, *Filipino American Man Slashed in The Face While Riding NYC Subway*, Asian Journal (Feb 8, 2021). Available at: <https://www.asianjournal.com/usa/newyork-newjersey/filipino-american-man-slashed-in-the-face-while-riding-nyc-subway/>.

⁷ *Man arrested, accused of shoving woman to ground outside Queens bakery*, ABC 7 (Feb. 18, 2021). Available here: <https://abc7ny.com/queens-bakery-assault-flushing-asian-woman-assaulted-olivia-munn/10350461/>.

7. Congress should hold agencies accountable for their actions.

Conclusion

NAPABA believes that with proactive coordination between local, state, and federal authorities, including prevention and prosecution against such crimes, will build trust with the Asian American community.

Last week, Sen. Mazie Hirono (Hawaii) and Rep. Grace Meng (New York-06) reintroduced the COVID-19 Hate Crimes Act, which provides greater assistance with law enforcement response to COVID-19 hate crimes and creates a position at the Department of Justice to facilitate expedited review of such cases.⁸

In January this year, President Biden issued a Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States.⁹ In late February, the Department of Justice addressed¹⁰ the increase of hate crimes against Asian Americans, addressing it as “hate-based extremism” and held a listening session¹¹ with the Asian American community. While this is a start, there is much work that must be done, and changes must be made systematically.

We thank the subcommittee again for taking up this important and timely issue, and hope that it will adopt the recommendations from our testimony.

⁸ *Meng and Hirono to Introduce Legislation to Combat Surge of Anti-Asian Hate Crimes*, Rep. Grace Meng (Mar. 11, 2021). Available at: <https://meng.house.gov/media-center/press-releases/meng-and-hirono-to-introduce-legislation-to-combat-surge-of-anti-asian>.

⁹ *Memorandum Condemning and Combatting Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States*, The White House (Jan. 26, 2021). Available at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-condemning-and-combating-racism-xenophobia-and-intolerance-against-asian-americans-and-pacific-islanders-in-the-united-states/>.

¹⁰ *Acting Deputy Attorney General John Carlin Delivers Remarks on Domestic Terrorism*, The U.S. Dept. of Justice (February 26, 2021). Available at: <https://www.justice.gov/opa/speech/acting-deputy-attorney-general-john-carlin-delivers-remarks-domestic-terrorism>.

¹¹ *Readout of The Department of Justice’s Efforts to Combat Hate Crimes Against Asian American and Pacific Islander Communities*, The U.S. Dept. of Justice (Mar. 5, 2021). Available at: <https://www.justice.gov/opa/pr/readout-department-justice-s-efforts-combat-hate-crimes-against-asian-american-and-pacific>.